Appln. No.: 08/886,516
Amdt. Dated March 22, 2004
Reply to Office Action dated December 23, 2003

Remarks/Arguments

Reconsideration of this application is requested. Claims 1, 2, 3 and 5 have been rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,365,586 granted to Indeck at al.

Indeck discloses the following in the abstract:

> A method and apparatus is disclosed for determining the remanent noise in a magnetic medium by DC saturation of a region thereof and measurement of the remaining DC magnetization. A conventional magnetic recording transducer may be used to determine the remanent noise. Upon determination, the remanent noise may then be digitized and recorded on the same magnetic medium to thereby "fingerprint" the magnetic medium. This "fingerprint" may then be later used to verify and authenticate the magnetic medium as being an original. In such manner, any magnetic medium, or any object having an associated magnetic medium, may be "fingerprinted" including credit cards, computer programs, compact discs, videotapes, cassette tapes, etc.

Indeck does not disclose or anticipate a method for verifying the source of an article of manufacture and for controlling the production of the article of manufacture by a licensee that includes steps a, b and d of claim 1, as amended. Namely, a) controlling a supply of labels from a licensor to the licensee to monitor the production of the article of manufacture; b) preparing a label by the licensee, the label having an unreproduceable pattern and information relating to the article; and d) encrypting at least a portion of the information by the licensor relating to the article.

Support for the amendment of claim 1 is found in lines 14-19 of Page 6 of the specification.

Claim 7 has been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,365,586 granted to Indeck et al and further in view of U.S. Patent 5,638,446 granted to Rubin.

Rubin discloses the following in lines 53-67 of col. 5.

When T receives this message, T looks up A in the database **14**, and retrieves A's public key, step **28**. T then uses A's public key to verify that the message came from A (i.e. that the hash of the message was encrypted using A's private key) and that the date is current, step **30**. T then generates an electronic certificate **32** containing the following information: I) the identify of T, ii) the name of the hash function used, iii) author's name, iv) authors address, v) author's organization, vi) author's email address, vii) file name, viii) file location, ix) cryptographic hash of the file as sent by A, and x) date.

After generating the certificate, T signs it with its private key, step **34**. T can send the certificate to A or store it in a publicly accessible location and notify A as to where it is stored, or both.

Neither Indeck nor Rubin taken separately or together disclose the method claimed in claim 7 which depends on claim 1 as amended. The cited references do not disclose or anticipate steps a), b) and d) of claim 1 as amended.

In view of the above, claims 1-3 and 5-7 as amended are patentable. If the Examiner has any questions, would he please phone the undersigned at the telephone number noted below.

Respectfully submitted,

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